



Town Council Meeting Minutes

Thursday May 26, 2016, at 7:00 PM, in the Matthew Thornton Room

Chairman Harrington called the meeting of the Town Council to order at 7:00 p.m. Present at the meeting were Vice Chairman Rothhaus, Councilor Boyd, Councilor Dwyer, Councilor Flood, Councilor Koenig, Councilor Vaillancourt, and Town Manager Eileen Cabanel.

Pledge of Allegiance

Chairman Harrington led in the Pledge of Allegiance.

Announcements

Town Offices will be closed on Monday, May 30th in observance of Memorial Day. The Memorial Day Parade is scheduled to begin at 11:00 a.m. on Monday, May 30th. Starting at the Rite Aid plaza, the parade will head north onto D.W. Highway, left on Baboosic Lake Road, and to the Last Rest Cemetery where a ceremony will be conducted at the flag and monument.

Regular meetings of the Town Council will be held on Thursday June 9th and June 23rd at 7:00 p.m. in the Matthew Thornton Room. A Town Council Retreat/Work Session will be held on Friday, June 10th from 9:00 a.m. to 4:00 p.m. at the SERESC Conference Center, 289 Commerce Drive, Bedford.

A Joint Town Council/School Board meeting will be held on June 14th at 7:00 p.m. in the Matthew Thornton Room.

Chairman Harrington questioned the will of the Council with regard to the summer meeting schedule.

The consensus of the Council was to schedule meetings for Thursday, July 21st and August 18th.

The Supervisors of the Checklist will be in session on Tuesday, May 31st from 7:00 - 7:30 p.m. to accept voter registration and party change applications for those wishing to change their party affiliation. This will be the last session for party changes until after the State Primary being held on September 13th.

Filing period for the September State Primary will run from June 1st through June 10th. The Town Clerk's office will accept filings for State Representative and Delegates to the Republican Convention. Delegates for the Democratic convention are handled by the Democratic State Committee.

Property tax bills have been mailed, and are due by July 1, 2016. Property owners who have not received their tax bill should contact the Tax Collector's office at 424-3651 to arrange for a duplicate bill. Bills not paid by July 1st are subject to 12% interest, per annum.

The Library will be holding its June Book Sale on Saturday, June 4th and Sunday, June 5th with a Friends of the Library, member-only presale on Friday June 3rd. Visit the library's website, www.merrimacklibrary.org, for more information.

Chairman Harrington informed the Council and the viewing audience Item #4 under New Business would be tabled as Assistant Town Manager/Finance Director Paul Micali was unable to be in attendance.

Perfluorooctanoic Acid (PFOA) Information Update

Town Manager Cabanel stated the Environmental Protection Agency (EPA) has released its lifetime health advisory regarding PFOA; 70 parts per trillion (ppt).

Located at the former landfill behind the existing Transfer Station are 10 monitoring wells, which are tested on a yearly basis. Nine of the 10 wells came back at more than 70 ppt, the highest of which was 2,200 ppt, which is very high. Additional information was requested. The results were: 140 ppt, 150 ppt, 170 ppt, 330 ppt, 340 ppt, 520 ppt, 640 ppt, 1,800 ppt, and 2,200 ppt. During the weekly conference with Assistant Commissioner of the New Hampshire Department of Environmental Services (NHDES), the Commissioner expressed an interest in having another Town meeting type gathering in Merrimack to talk most specifically about the landfill and what the implications of that testing will be.

At this point, they are knocking on doors of those residents within a half mile radius. Although not yet confirmed the landfill is the point, and then it goes out ½ mile each way, which becomes difficult to look at because the property is 136 acres in size. The NHDES has tested many private wells, and the results of those tests are expected back in a few weeks.

Town Manager Cabanel stated she had heard from several residents, and has confirmed with the State none of those who have contacted her fall within the half mile limit. She stated her assumption the NHDES would use the meeting forum to reveal the numbers found at the wells. She commented apparently when PFOA comes out in an airborne fashion it spreads far and wide, but when it is in ground water it is much more contained as was seen in the Town of Amherst.

Also participating in the weekly conference call was the Town Manager for Bedford. Bedford, being included in the area of the landfill, would like the meeting to be a joint meeting with both towns. Town Manager Cabanel noted her response was that would be fine, but that she is confident Merrimack's Town Council will insist on the meeting taking place in Merrimack. That meeting should be held within the next few weeks.

Chairman Harrington stated a concern with the topic perhaps being isolated to the landfill. She noted there will be individuals who will attend looking for other issues to be addressed as well.

Town Manager Cabanel stated the school has been contacted with regard to availability of space at the James Masticola Upper Elementary School, is being very accommodating, and will ensure space is available.

Information relative to testing performed on the Merrimack Village District (MVD) wells will be posted to the Town's website, and is posted on the NHDES' website. Currently the MVD is using wells 7 and 8. They now have to combine, in some fashion, PFOA with PFOS. PFOA and PFOS are under the umbrella of PFC. Were you to combine the totals of PFOA and PFOS in well 8 it would come to 19 ppt, and for well 7 it is 30.4 ppt. All of the numbers for PFOS are at a non-detect level. Very occasionally well #2 is being used, which has a combined total of 31.5 ppt. They also tested where it is blended, which identified a range of 21-22 ppt.

1 The MVD has been in contact with Ed Canning, Director Health, Safety & Environment, Saint-
2 Gobain, to discuss what the arrangements will be between them and the MVD. Town Manager
3 Cabanel remarked from what she has heard those discussions are going well. Although they have been
4 very accommodating, no commitments have been made to date.

5
6 Soil samples, as the NHDES had expected, came back at non-detect levels. Those soil samples were
7 done at all of the sensitive areas in Town, e.g., schools, playgrounds, etc. Soils are tested at parts per
8 billion. The results were expected given for the Saint-Gobain facility itself, the ground water came
9 back at 5,800 ppt and their soil came back at non-detect.

10
11 Councilor Flood asked for clarification, when the EPA identifies a lifetime health advisory above 70
12 ppt, does that mean if you had a well that was at 70 ppt, it would be okay for it to be at that level for
13 your lifetime? Town Manager Cabanel stated it means for a lifetime; from newborn to end of life.

14
15 Councilor Flood stated her belief there are wells that are similar over at Watson Park, which are
16 frequently and easily tested. She questioned if the wells at the closed landfill have never been tested
17 for this kind of chemical, and was told they had not been. She questioned what is tested for, and was
18 told the NHDES tests for contaminants such as arsenic, iron, lead, or any kind of chemical that might
19 be generated by the landfill. Up until 2014, they were not testing for PFOA or PFOS at all. In 2014,
20 the number was a short-term number at 400 ppt, and there was no lifetime number.

21
22 Councilor Dwyer added, out of a dozen wells at the landfill, 10 were not very deep and 2 were
23 bedrock. Town Manager Cabanel stated with the exception of 2 or 3, they were all contaminated at
24 varying levels. Councilor Flood questioned if it will ever reach a point where it is cleared out. Town
25 Manager Cabanel stated her belief it would not. When asked if there is a filter that will address the
26 issue, she was informed there is.

27
28 Town Manager Cabanel stated the current concern is drinking water. They are taking it one step at a
29 time. She stated her belief the NHDES is learning as they go as well. The reason the landfill wasn't
30 tested for PFOA in 2014 is because they decided they would only test drinking water supplies for that
31 for municipal water or a water company that serviced at least 20,000 people.

32
33 Councilor Flood questioned if the belief is it is more of a danger to drink than to shower with, etc.
34 Chairman Harrington responded the representative from NHDES implied that when stating it is not
35 proven that showering has any affect; that ingestion is by far the most direct route of getting it in the
36 body. Councilor Boyd added inhaling favors would be considered ingestion. Therefore, the water
37 hitting your skin may not impact you but vapors will.

38
39 Chairman Harrington commented there is not much research available. What will be interesting is now
40 that the EPA has released a number, the research used in identifying that number will be accessible.
41 She added the State has already commented they will review the research as it will have future
42 implications.

43
44 Councilor Boyd questioned if there has been discussion of testing the brook that runs over the
45 Merrimack Town line in Bedford, and is located behind the landfill. He stated his assumption they
46 would also test the swamp; also on the Town line. Town Manager Cabanel responded there was no
47 discussion of the swamp, just the brook. She will make mention of that.

Councilor Boyd questioned if there was discussion of air quality testing to determine whether or not PFOAs are being exhausted through the methane coming up from the landfill. Town Manager Cabanel responded there was not. However, she felt it to be an interesting point, and one she will bring up. Councilor Dwyer commented the chemicals apparently don't stay with moving water. When the Merrimack River was tested, the result was undetectable. That may not be the case for the swamp. Town Manager Cabanel stated her belief when PFOA and water go through soil it filters some of it out. The Town will soon have its own test done of the sludge that goes into the compost. Sludge and the compost that comes from it will be tested as the Town sells it, and wants to ensure those products are marketable and issue free.

Councilor Vaillancourt asked for additional information on the soil sampling that was done, e.g., distance from the Saint-Gobain facility, and was told the soil was from a distance of one mile. She added anything that was close such as the Reeds Ferry School was tested.

Councilor Vaillancourt stated her pleasure to see that communications with the MVD are improving. She is pleased to know the MVD has been in contact with Saint-Gobain, and noted the Superintendent from the MVD along with a representative from the NHDES participated in a discussion with the School Board.

Councilor Boyd commented it has been 3 months, and he has yet to receive any information in the mail from the MVD regarding what action(s) they have taken. He stated his displeasure something as simple as sending the ratepayers of the community a letter providing information has not taken place. If not putting information on their website, a letter in the mail would be appreciated.

Vice Chairman Rothhaus questioned if the aquifer flows north to south. Town Manager Cabanel was unsure; however, stated she would find out.

Northeast Energy Direct (NED) Pipeline Update

Chairman Harrington stated as of May 23rd, Kinder Morgan formally withdrew its application for the pipeline with the Federal Energy Regulatory Commission (FERC).

MOTION made by Councilor Dwyer and seconded by Councilor Boyd to remove the item from future agendas. MOTION CARRIED 7-0-0

Comments from the Press and Public - None

Recognitions, Resignations and Retirements - None

Appointments - None

Public Hearing

1. Public Hearing – 2016 Local Source Water Protection Grant Program Fund Acceptance

Submitted by Highway Operations Manager Lori Barrett

Town Council will hold a public hearing to consider the acceptance and expenditure of the 2016 Local Source Water Protection Grant Program funds in the amount of \$19,800 from the New Hampshire Department of Environmental Services (NHDES) to the Town of Merrimack for the

1 *Assessment of Coverage Indication Technology as a tool for reducing chloride in and around*
2 *sensitive areas* Project, pursuant to RSA 31:95-b and Charter Article 8-15.
3

4 Lori Barrett, Highway Operations Manager, spoke of partnering with Sensible Spreader Technologies
5 to gain new technology on salt reduction. The NHDES has a local watershed grant available for 2016.
6 Sensible Spreader Technologies gives technology in the form of a tablet in the driver's seat. It is
7 wireless technology with information stored in the Cloud. It is tied to their spreader auger, which
8 allows for information on how much salt is being spread as well as setting up the computer to map the
9 low salt and no salt areas in Town. It will send a trigger to the drivers when they are in those areas.

10
11 Ms. Barrett noted Laconia has been using the technology for three years, and has seen a great reduction
12 in their salt use.

13
14 The Town received approval for the grant, which will provide the necessary funding to set up
15 equipment for the first 6 trucks and the data usage for the first year. Those trucks will be used in the
16 wellhead areas in Town. The MVD provided an acceptance letter noting their approval. There is the
17 requirement to report out to the NHDES on findings every three months for a period of two years. In
18 order to continue reporting for the second year, the Town would have to cover the data usage cost of
19 \$7,200.

20
21 Town Manager Cabanel questioned the number of trucks in the fleet that spread salt, and was told there
22 are 13 that can spread salt. Monitoring costs equate to approx. \$1,000/truck.

23
24 *Chairman Harrington opened the Public Hearing at 7:35 p.m.*

25
26 No one from the public came forward to speak.

27
28 *Chairman Harrington declared the Public Hearing closed at 7:36 p.m.*
29

30 Councilor Koenig asked for clarification of the \$7,200/year cost for the six trucks, and was informed
31 the equipment collects data and sends out reports, e.g., software contract. Councilor Koenig
32 questioned if the vendor is a single-source commented on what he sees as a high cost. Ms. Barrett
33 spoke of the anticipated savings noting the current budget for salt is \$130,000, a 10% savings would
34 equate to \$13,000. The City of Laconia achieved a 16% savings in the first year. In the 3rd year their
35 savings was above 14%. Ms. Barrett noted data monitoring could cease over time.

36
37 Vice Chairman Rothhaus remarked he is aware there is equipment on many trucks that rations out the
38 proper amount of salt and/or sand for maintenance. He questioned if when the data is reviewed there
39 will be the ability to program current equipment. Ms. Barrett stated there is an auger that ties into the
40 gate on the equipment. With that data, you can lock the gate at a certain spot.

41
42 Councilor Dwyer commented he feels a little skeptical; if there are 13 trucks and only half will have
43 the monitoring equipment he is unsure the data would result in a clear scientific picture of the results
44 throughout Town. Ms. Barrett responded the 6 trucks will be monitored. The first 5-10 storms will be
45 monitored without the sensor attached and the second 5-10 storms will gather data with the equipment
46 in place for those 6 trucks.

1 Councilor Dwyer commented it seems subjective; any given season is different from the next, etc. Ms.
2 Barrett stated that to be why the NHDES requires two years' worth of data. Councilor Vaillancourt
3 spoke of errors that occur with salt being put down in no salt areas. That situation could be corrected
4 with this equipment.

5
6 Vice Chairman Rothhaus commented if it is found not to be beneficial the cost to the Town would be
7 one year's worth of data collection cost. Councilor Dwyer reiterated he is not convinced of the value
8 in the data if only putting the equipment on 6 of the trucks. Vice Chairman Rothhaus responded he
9 likes the potential cost savings, but it is an environmental issue as well. He stated his support of trying
10 this out for a few years.

11
12 Councilor Flood questioned, and was informed, it is pavement temperature that determines when salt
13 can and cannot be used. Salt doesn't work in temperatures below 15 degrees.

14
15 Councilor Boyd remarked the desire is to install 6 computers on plow trucks, and questioned if that
16 requires 6 drivers to be trained on how the technology works. Ms. Barrett stated that to be correct.
17 When asked if the cost associated with driver training was included in the grant amount, Ms. Barrett
18 stated it is.

19
20 Councilor Boyd remarked the last page addresses cost associated with operation training on CIT, and
21 identifies that cost as \$200. Ms. Barrett stated training to be 1 four-hour training session for all 6
22 drivers. Councilor Boyd asked for clarification the intent would be not to utilize the technology for the
23 first several storms and to use that data as a comparison against the storms for which the equipment is
24 utilized. Ms. Barrett stated that to be accurate, noting the NHDES set up the testing parameters. When
25 asked what would occur if facing another mild winter, e.g., does the testing get bumped out a year, and
26 if the case, does the Town absorb additional cost relating to data usage. Ms. Barrett responded that is
27 the reasoning for requiring data collection for a two-year period.

28
29 Councilor Boyd commented the letter received from Amy Hudnor, Drinking Water and Groundwater
30 Bureau, NHDES, requested the Town provide a Certificate of Insurance. He questioned why that
31 would be desired/required. Councilor Vaillancourt suggested it to be a means of ensuring the Town
32 has insurance on its trucks, e.g., it is standard practice.

33
34 Councilor Boyd questioned the percentage of roadways that impact wellheads. Ms. Barrett was
35 uncertain, but stated the information could be obtained. Councilor Boyd remarked there is the
36 potential the Council would be budgeting \$6,000 for as long as the Public Works Department (PWD)
37 chooses to make a budgetary commitment for the technology because they see the value add. Ms.
38 Barrett responded yes. She added some of the trucks that will be used in the wellhead areas don't need
39 to be outfitted.

40
41 Councilor Boyd questioned, if because it is Cloud technology, is it something where the drivers push a
42 button to receive digital updates. Ms. Barrett stated it to be a small tablet. When asked if they provide
43 any technical support, Ms. Barrett stated they do. When asked if the \$1,000/truck in the out year
44 would also include the technical support aspect, she stated it would.

45
46 Councilor Boyd questioned when the grant would go before the Governor and Council, and was told
47 the grant application has to be submitted prior to the end of June.

Councilor Koenig questioned if it is something the driver has to monitor while driving alone, and if doing so would violate the State's anti-technology laws that prohibit the use of cell phones, etc. while driving. Ms. Barrett stated there to be nothing the driver would need to touch while driving. The information is on a tablet, and can be viewed as a GIS type map. When entering a low-salt area the device will emit a sound to make the driver aware.

MOTION made by Councilor Boyd and seconded by Councilor Koenig to accept and expend the 2016 Local Source Water Protection Grant Program funds in the amount of Nineteen Thousand Eight Hundred Dollars (\$19,800) from the New Hampshire Department of Environmental Services (NHDES) to the Town of Merrimack for the Assessment of Coverage Indication Technology as a tool for reducing chloride in and around sensitive areas project, pursuant to RSA 31:95-b and Charter Article 8-15, and furthermore that the Town Manager and/or her proxy be authorized to sign any and all documentation necessary to perfect the grant. MOTION CARRIED 7-0-0

Legislative Updates from State Representatives - None

Town Manager's Report

The contractor made significant progress at the Bean Road bridge over the winter, and they are confident that Bean Road will be open in August 2016. School buses will be able to resume their former schedules once school begins on Tuesday, September 6, 2016. McGaw Bridge Road will not be open until sometime in October/November. Buses will continue to need to access that neighborhood from D.W. Highway until then.

The Merrimack Transfer Station staff received an award for "Best Brochure" at the Northeast Resource Recovery Association's 35th Annual Recycling Conference & Exposition. The brochure was developed by Town staff and updated by Patrick Davis, Scale Operator, to serve as a guide for residents who use the Transfer Station. The brochure can be found on the Public Works Solid Waste Division website, at Town Hall and at the Transfer Station. Town Manager Cabanel expressed gratitude for the good work.

Last night the Zoning Board of Adjustment (ZBA) granted a special exception for Verizon Wireless to move forward to the Planning Board for a new 100' tall cell tower on land owned by the MVD off Turkey Hill Road (water tower site). The project will now move forward to site plan review by the Planning Board at an upcoming meeting (not yet scheduled).

On June 7th the Planning Board will consider a subdivision and site plan for Woodspring Hotels to use a portion of the land of the former Merrimack Hotel on Executive Park Drive for a 123-room extended stay hotel. The land to be utilized is currently part of the parking area of the former hotel. The property owners continue to examine options for further redevelopment of the site.

Tim Thompson, Director, Community Development, has stated the expectation the former hotel structure will likely be demolished.

The Merrimack Fire Department, the Environmental Protection Agency (EPA), Regional Hazardous Materials Response Teams throughout NH, and Jones Chemical will be participating in a simulated joint chemical release training exercise. This exercise is scheduled for table top planning on June 25th

1 and a practical exercise on June 26th. The objective of this exercise is to have the Regional Hazardous
2 Materials Teams working together to determine the potential concentration of the chemical release into
3 the air and be able to transmit that data to the Incident Commander in Merrimack. This data will be
4 used to establish a chemical response plan for evacuations, protection in place, and the chemical
5 release mitigation.
6

7 A 69-year-old patient who had a new onset of chest pain about 30 minutes before calling was brought
8 to the hospital by Merrimack Fire Rescue. Merrimack Fire Paramedics activated the STEMI
9 (Segment Elevation Myocardial Infarction) Team at the hospital from the field. The patient was
10 brought emergently to Cardiac Cath Lab where percutaneous coronary intervention was performed.
11 He was discharged home two days later. Mark A. Hastings, RN Director, Emergency Management
12 EMS & Trauma Coordinator extends a “nicely done to the crew at Merrimack Fire from Southern NH
13 Medical Center”.

14
15 **Consent Agenda** - None

16
17 **Old Business** - None

18
19 **New Business**

20
21 **1. Committee Appointments**

22 *Submitted by Town Council Chairman Nancy Harrington and Vice Chair Finlay Rothhaus*

23 The Town Council to consider appointing the following individuals to Town committees, pursuant
24 to Charter Article 4-8:

25
26 **Dawn Shepherd** - Economic Development Citizens Advisory Committee (*Full member*)

27 **Bill Cummings** – Town Center Committee (*Full member*)

28 **Thomas J. Mahon** – Zoning Board of Adjustment (*Alternate member*)
29

30 Chairman Harrington stated Bill Cummings applied for a position on the Town Center Committee.
31 The Appointment Committee conducted an interview understanding Mr. Cummings would have to be
32 sworn in by July 1st and being aware he could not make the June meeting. Chairman Harrington
33 suggested that appointment be tabled until the Council’s June meeting. Mr. Cummings has agreed to
34 that.
35

36 Chairman Harrington noted Dawn Shepherd applied for a full position on the EDCAC. Ms. Shepherd
37 is the current President of the Chamber of Commerce.
38

39 Thomas Mahon has applied for the position of alternate member on the Zoning Board of Adjustment.
40

41 **MOTION** made by Councilor Boyd and seconded by Councilor Dwyer to appoint Dawn
42 Shepherd as a full member of the Economic Development Citizens Advisory Committee and
43 Thomas Mahon as an Alternate member of the Zoning Board of Adjustment. **MOTION**
44 **CARRIED 7-0-0**
45

46 *Oath of Office administered by Chairman Harrington to Thomas J. Mahon.*
47
48

1 **2. Request to Sell Items on Town Property**

2 *Submitted by Holly Daigle*

3 Holly's Kona Ice truck is requesting permission from the Town Council to sell Kona Ice from her
4 mobile food truck during Parks and Recreation's 2016 Summer Concert Series at Abbie Griffin
5 Park.
6

7 Ms. Holly Daigle provided an example of the truck's appearance, and stated the product she sells is a
8 Hawaiian style shaved ice. She has been in business for about 5 years, and has participated in the 4th of
9 July activities, does fundraising for the Merrimack Youth Association (MYA) baseball, softball, and
10 soccer, has been at the Rib Fest, and has a lease at the Premium Outlets. She saw the summer concert
11 series come up, and suggested to Matt Casparius, Director, Parks & Recreation Department, that might
12 be a great place to do fundraising for the scholarship program. She noted fundraising is one of their
13 primary modes of business, and what they would like to do here.
14

15 Councilor Koenig questioned where the truck would be parked. Ms. Daigle was uncertain stating the
16 need to work out the logistics, e.g., accessibility, etc. When asked if hookups or similar infrastructure
17 would be needed Ms. Daigle stated the truck is self-contained. Everything that is needed is run off a
18 battery that is charged in the evening hours, e.g., no generator used.
19

20 Vice Chairman Rothhaus requested Ms. Daigle speak to the fundraising information provided in the
21 Council's packet. Ms. Daigle stated during their nearly 5 years in business they have raised locally
22 over \$70,000 that has been given back to communities, schools, youth sports, etc. Twenty five percent
23 of sales go towards the fundraising effort.
24

25 Councilor Vaillancourt questioned whether approving such a request would set precedent. Chairman
26 Harrington spoke of a hot dog vendor at Watson Park, and commented the issue has not come up.
27 Councilor Dwyer commented in past conversations the Council has said, subjectively, if a hot dog
28 vendor came in with such a request that was granted, and a week later another asked, the response to
29 the second vendor would be no. It was looked at sort of as the first person who stepped up to the plate
30 would be supported. Although an informal rule, it is something that has been discussed in the past.
31

32 When asked, Town Manager Cabanel stated Director Casparius is very supportive of the request. She
33 spoke of the added value in terms of fundraising.
34

35 Councilor Boyd reiterated over the past 4 years, the business has raised over \$70,000 for local groups,
36 schools, and youth sports. That is \$17,500 a year that this one individual is taking from her proceeds
37 and putting back into the community for community programs, which he believes to be something that
38 should be applauded and celebrated.
39

40 Councilor Koenig noted the information provided states the business has all required permits, health
41 inspections, etc. Ms. Daigle stated that to be accurate.
42

43 **MOTION made by Councilor Boyd and seconded by Councilor Rothhaus that the Town Council**
44 **grant Holly's Kona Ice truck permission to sell Kona Ice from her mobile food truck during**
45 **Parks and Recreation's 2016 Summer Concert Series at Abbie Griffin Park, and furthermore if**
46 **any documents need to be signed by the Town Manager that she or her proxy are authorized to**
47 **do so. MOTION CARRIED 7-0-0**
48

1 **3. Disposal of Tax Deeded Properties**

2 *Submitted by Town Manager Eileen Cabanel*

3 The Town Council to consider the disposal of tax deeded properties, pursuant to RSAs 80:88,
4 80:89 and 80:90.

5
6 Town Manager Cabanel noted this year one piece of property was taken by Tax Deed. Taxes have to
7 have not been paid for a period of three years for such an action to occur. The property has been taken,
8 and is now owned by the Town. There are a few options to be considered. There is the option of
9 retaining the property, which normally would not occur, but in this case the PWD would like the
10 property for a drainage project should the owner decide not to reacquire it. The Town can choose to
11 retain the property, but would be required, by Statute, to hold the property for three years. The former
12 owner has three years to come back and purchase the property.

13
14 Town Manager Cabanel stated the interest rate to be first at 12%, and when going to tax lien goes up to
15 18% after which fees are added. When the property is deeded there is a 15% penalty, which is 15% of
16 the value of the property. The total needed to reclaim the property, at this time, is \$31,000.

17
18 Another option is to solicit bids for the property; can go through that process right away as it is only
19 the municipality that cannot acquire it for a period of three years.

20
21 Vice Chairman Rothhaus stated his understanding at the conclusion of the auction the owner would
22 receive any profit that exceeds what is owed to the Town.

23
24 Councilor Flood stated, as a resident of that area, any drainage project would be an asset.

25
26 Councilor Boyd noted there was a petition for an Abatement that was approved for the same property
27 (2016). Town Manager Cabanel stated she could look into that. However, what she needed to
28 understand was whether or not the Council wished to retain the property. Councilor Boyd questioned
29 if the Town would put itself at risk by making a decision on this knowing there was something in the
30 signed file that might have an adverse impact. He questioned tabling the item until the question can be
31 answered. He suggested the Right-of-Way could provide for access to Baboosic Brook.

32
33 Vice Chairman Rothhaus stated if the homeowner has been contacted, and has stated she is not
34 interested in retaining the property, he is agreeable. He stated the whole thing is offensive to him
35 because of the 12% interest initially, the 18% following that, and the 15% penalty.

36
37 Town Manager Cabanel stated her belief the Legislature has put into place a reduction from a 15%
38 penalty to a 10% penalty, beginning July 1st. The homeowner will be informed. She may be interested
39 in purchasing the property, but is not certain it would be worth it to her. Vice Chairman Rothhaus
40 questioned if the owner was contacted prior to the deeding, and was informed she was. He noted he is
41 in favor of holding the property for the three years.

42
43 Chairman Harrington suggested a motion could be crafted that calls for the property to be held for
44 three years contingent upon the outcome of the abatement. Town Manager Cabanel suggested the item
45 could be tabled until the next meeting.

46
47 **MOTION made by Councilor Boyd and seconded by Councilor Rothhaus to table the matter**
48 **until the Council's next regularly scheduled meeting.**

1 ON THE QUESTION

2
3 Councilor Dwyer commented the abatement is just another way of trying to lower the tax burden. He
4 was unsure of the importance of that at this point. Councilor Boyd questioned why an abatement
5 would have been approved if taxes were not being paid. Councilor Dwyer questioned the concern.
6 Councilor Boyd questioned whether a step was missed in the process.

7 **MOTION CARRIED 6-1-0**

8 *Councilor Koenig voted in opposition.*
9

10 **4. LED Lighting Discussion**

11 *Submitted by Finance Director Paul T. Micali*

12 Town Council to consider whether to replace the current high pressure sodium street light fixtures
13 with LED lighting fixtures within the Town of Merrimack.
14

15 *Tabled until the next regularly scheduled meeting.*
16

17 **Minutes**

18
19 Approve the minutes from the Town Council meetings of May 12, 2016.
20

21 **MOTION made by Councilor Boyd and seconded by Councilor Dwyer to accept the meeting**
22 **minutes of the May 12, 2016 Town Council meeting of as presented. MOTION CARRIED 6-0-1**

23 *Councilor Harrington Abstained*
24

25 **Comments from the Press** - None
26

27 **Comments from the Public** - None
28

29 **Comments from the Council**
30

31 Councilor Vaillancourt spoke of the Annual Review conducted with the Planning Board, at which time
32 the Chairman of the Planning Board touched upon discussions that have taken place regarding the
33 current process for sidewalks. Councilor Koenig noted it is a requirement of the regulations that
34 sidewalks be put in place when a developer makes improvements to a property. A Waiver of that
35 requirement can be applied for. If the Waiver request is unsuccessful, the owner can look to contribute
36 mitigation dollars to a fund to be used in the area for sidewalks.
37

38 Mr. Best had commented the fund is not being used, and how, after a period of time, those dollars are
39 returned to the owner of the property. He had indicated the desire of the Planning Board to present
40 ideas for changes to the process.
41

42 Town Manager Cabanel stated Mr. Best will be contacted. She commented one of the things that has
43 been lacking is a sidewalk master plan. Without an adopted master plan you cannot apply the funds
44 toward anything.
45

46 When asked, Town Manager Cabanel explained the project proposed by the Nashua Regional Planning
47 Commission (NRPC), which was denied approx. a year and a half ago, was what the NRPC refers to as
48 a windshield study along the D.W. Highway. That indicated something other than a sidewalk project

1 around here. It kind of led the Council to assume that a plan would be put in place to put a sidewalk up
2 the highway even in the urban compact. That was what many of the Council members had a concern
3 with; that we would build sidewalks outside of the urban compact and then have to maintain them.

4
5 When asked, Councilor Koenig stated, as Mr. Best alluded to, the Planning Board has been hesitant to
6 take money in lieu because there is no plan in place that allows for its use.

7
8 Chairman Harrington stated the desire to be presented with a proposal. Although there have been
9 some general overarching discussions around sidewalks in Town, and pros and cons have been openly
10 discussed, she has no memory of a specific proposal being brought forward to address that amount of
11 money having to be given back because of the inability to utilize it.

12
13 Town Manager Cabanel suggested it might be a good idea to do a master plan in bits and parts, and
14 perhaps begin with the Town Center area. She stated uncertainty with any restrictions such as
15 proximity to initial project, etc. associated with the dollars.

16
17 Councilor Boyd stated his recollection the Town Center Committee put planning in place for
18 sidewalks. Councilor Flood stated it had, and noted there to be two locations where the Town Center
19 Committee would be interested in having sidewalks. She noted a Chamber grant was applied for
20 without success. There is a \$400,000 grant the Town has been awarded by the Federal Government.
21 Town Manager Cabanel noted the funded recently passed, and the money should be forwarded shortly.
22 Those funds would cover the cost of the bridge area and the trail going under the bridge. The Safe
23 Routes to School Program also has money available to apply for. The Town Center Committee would
24 like to see a sidewalk on Woodbury Street or O'Gara Drive simultaneous to a paving project that will
25 be scheduled for 2017/2018.

26
27 Chairman Harrington stated there to be an opportunity for three different groups to work together.
28 Councilor Koenig stated his understanding monies taken from businesses in lieu of installing a
29 sidewalk immediately has to be used in the region or the area of the business.

30
31 Councilor Vaillancourt stated her belief the Council was making some assumptions about what it is the
32 Planning Board wishes to present. She suggested the Town Manager be asked to reach out to Mr. Best
33 to discuss the viability of coming forward.

34
35 Vice Chairman Rothhaus spoke of receiving a call from the new owner of the Zyla's property who has
36 to put in a sidewalk, which he was aware of. His complaint is there are two beautiful old trees, one of
37 which is of good size and he would like to keep it as it adds a small amount of character to an
38 otherwise bland parking lot and brown commercial building. The sidewalk was in his Site Plan. Vice
39 Chairman Rothhaus suggested the engineer should not have included that amenity and also that the
40 Community Development Department should have recognized the opportunity to save a tree as should
41 the Planning Board. He suggested the time should be taken to recognize those things.

42
43 In order for the owner to keep the tree, he would be required to submit a Site Plan change, which
44 would necessitate hiring an engineer, have it presented to the Planning Board, and then file it. What
45 would otherwise seem like a simple thing is not. In order to keep it simple, he would like all eyes to be
46 on the prize in trying to maintain things like that.

1 Councilor Dwyer commented once again, we're going to force a person to put in a sidewalk where
2 there isn't a sidewalk to the left or right of his business. Vice Chairman Rothhaus stated there is a
3 sidewalk in the area; in front of Dunkin Donuts. The business now has a sidewalk marked area in the
4 parking lot that goes across the front. The Town Center Committee is really desirous of a sidewalk on
5 Church Street.

6
7 Councilor Dwyer questioned if the cost of sidewalk equipment would be brought up during the Retreat.
8 Vice Chairman Rothhaus commented that is a problem.

9
10 Town Manager Cabanel stated the Community Development Office, had they seen something like that
11 or were made aware of it during the process, would have been very accommodating towards something
12 like that. If an engineer brings in something, it is a technical drawing that is approved by the Planning
13 Board and then becomes a legal document. That has nothing to do with our Planning Board it is just
14 the way it is. She stated her opinion, if the individual's engineer doesn't do the plan correctly, he/she
15 should do it again at no cost.

16
17 Vice Chairman Rothhaus stated he would agree with that. His only point was it would be more
18 beneficial, as a community, that the Community Development Department as well as the Planning
19 Board would take the time to recognize those things.

20
21 Councilor Vaillancourt informed the Council, at its May 16th meeting, the Conservation Commission
22 heard from Attorney Greg Michael with regard to Woodspring Hotel. It was interesting to see a new
23 structure going up in what is currently a parking lot. At that time, he refused to speak about the
24 existing structure. Although not under the purview of the Commission, the questions asked were
25 general in nature.

26
27 The Commission, in spite of the proposed NED project being suspended, and now withdrawn, voted to
28 move forward with the ecological assessment of 283 Continental Boulevard. The gate installation on
29 Grater Woods has commenced with two of the gates having been erected to date. Councilor
30 Vaillancourt stated she has been working with Town Manager Cabanel and Kyle Fox, Director, PWD
31 on obtaining "road closed" signs. The Chairman of the Commission, Tim Tenhave, recommended the
32 Commission not lock the gates until such signage has been installed.

33
34 The Horse Hill Nature Preserve (HHNP) parking lot project has a start date of May 31st. The hopeful
35 completion date is July 1st. Although that lot will not be available for parking during that period, the
36 Watanic Bowmen parking lot is available as is Wasserman. The Sub-Committee is readying signage to
37 be posted in the kiosk. The Commission's website will also include postings.

38
39 Councilor Boyd spoke of two Merrimack students who traveled to Phoenix, AZ to participate in the
40 Intel International Science & Engineer Fair. Matt Spettel and Sara Mason were among four local
41 students who competed at the fair against thousands of students from around the world. They placed
42 second in the Embedded Systems category for their project The Applications of Peristaltic Pumping
43 Systems in Chemistry Laboratories. They have created what they call a Chemicube, which allows for
44 accuracy in pouring chemicals from one container to this device. They won a \$1,500 cash prize, and
45 an international committee will be naming two asteroids after these two young students. He
46 congratulated them for a job well done. Matt, Sara and another Merrimack student, Emily Duval, will
47 be taking the Chemicube on the road again next week at the UNH BizGen competition.

1 Councilor Flood spoke of a sign recently placed on the footbridge of the Souhegan River Trail located
2 behind the fire station and along the river. The sign provides information on Merrill's Marauders.

3
4 Councilor Flood commented Attorney Michael is an excellent lawyer, and wants to protect his client.

5
6 Councilor Koenig noted the Planning Board did not meet the prior week. Their next meeting is
7 scheduled for June.

8
9 **Adjourn**

10
11 **MOTION made by Councilor Boyd and seconded by Councilor Dwyer to adjourn the meeting.**
12 **MOTION CARRIED 7-0-0**

13
14 *The May 26, 2016 meeting of the Town Council was adjourned at 8:50 p.m.*

15
16
17
18 Submitted by Dawn MacMillan